

IN THE SENATE

SENATE JOINT MEMORIAL NO. 102

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE
OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of
the State of Idaho assembled in the First Regular Session of the Sixty-first
Idaho Legislature, do hereby respectfully represent that:

WHEREAS, on July 30, 2010, the following amendment, also known as the
Madison Amendment, was introduced in the United States Congress: "Article
____. The Congress, on Application of the Legislatures of two-thirds of the
several States, which all contain an identical Amendment, shall call a Con-
vention solely to decide whether to propose that specific Amendment to the
States, which, if proposed shall be valid to all intents and purposes as part
of the Constitution when ratified pursuant to Article V."; and

WHEREAS, many Americans believe that the growth of federal power and es-
pecially of federal debt is out of control and Congress continues to impose
unfunded mandates on states; and

WHEREAS, many Americans believe that new Constitutional checks and bal-
ances or at least the possibility of them may be necessary to improve ac-
countability and fiscal discipline in Congress; and

WHEREAS, today, only Congress can propose a specific Amendment to the
Constitution. Article V allows Congress to do so by a two-thirds vote or two-
thirds of the states can demand that Congress call a Convention to propose
Amendments; and

WHEREAS, many states have feared that a Convention they call for to pro-
pose an Amendment might do something unexpected, so there has never been such
a Convention; and

WHEREAS, the Madison Amendment would end that risk as it would clearly
give states the right Madison argued in the Federalist Papers they already
have, to limit a Convention they call for to just the Amendment they propose;
and

WHEREAS, the Madison Amendment would improve American government in the
following six ways:

1. Because states would have power to propose a Constitutional Amend-
ment to ban them, unfunded mandates would probably end.
2. State leaders would gain influence on federal laws and spending that
impact their state.
3. Congress would no longer have the power to block Amendments just be-
cause they limited its power or forced it to make tough fiscal choices.
4. There would be no more risk of an accidental runaway Constitutional
Convention because states would have the clear power to limit a Conven-
tion they call for.

1 5. With the new power to propose Amendments, states would be more ef-
2 fective partners working together with the Federal government to solve
3 America's problems.

4 6. The people could make Congress more accountable, working with state
5 leaders for change if Congress refused to listen to the people's views.

6 WHEREAS, we believe that America's problems can best be addressed if
7 there is a spirit of partnership, cooperation and respect between state leg-
8 islatures and Congress and that, without making any change to the structure
9 of our Constitution or the checks and balances intended by its authors, the
10 Madison Amendment helps give states the "seat at the table" they need to cre-
11 ate that partnership; and

12 WHEREAS, by ensuring that Article V of our Constitution is interpreted
13 as its authors intended, the Madison Amendment guarantees that states have
14 the power to limit the scope of an Article V Convention to a single amendment
15 and the Amendment eliminates forever the risk of an accidental "runaway Con-
16 stitutional Convention" and ensures that states have, as the Constitution's
17 authors intended, the same power as Congress to propose a single Amendment to
18 our Constitution.

19 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-
20 sion of the Sixty-first Idaho Legislature, the Senate and the House of Rep-
21 resentatives concurring therein, that we urge Congress to adopt the Madison
22 Amendment, which will move power out of Washington and back to the states and
23 the people.

24 BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is
25 hereby authorized and directed to forward a copy of this Memorial to the
26 President of the Senate and the Speaker of the House of Representatives of
27 Congress, and the congressional delegation representing the state of Idaho
28 in the Congress of the United States.